

**NOTICE: THIS DECISION DOES NOT CREATE LEGAL PRECEDENT AND MAY NOT BE CITED EXCEPT AS AUTHORIZED BY APPLICABLE RULES.** See Ariz. R. Supreme Court 111(c); ARCAP 28(c); Ariz. R. Crim. P. 31.24.

**FILED BY CLERK**  
**MAR 31 2009**  
COURT OF APPEALS  
DIVISION TWO

IN THE COURT OF APPEALS  
STATE OF ARIZONA  
DIVISION TWO

THE STATE OF ARIZONA,	)	
	)	
Appellee,	)	2 CA-CR 2008-0083
	)	DEPARTMENT B
v.	)	<u>MEMORANDUM DECISION</u>
	)	Not for Publication
THOMAS MICHAEL HERNANDEZ,	)	Rule 111, Rules of
	)	the Supreme Court
Appellant.	)	

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APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR-20062491

Honorable Edgar B. Acuña, Judge

AFFIRMED

R. Lamar Couser

Tucson  
Attorney for Appellant

E C K E R S T R O M, Presiding Judge.

¶1 After a six-day jury trial, appellant Thomas Hernandez was convicted of twenty-six offenses, all arising from a series of home invasions that took place in June 2006. The convictions included first-degree burglary, armed robbery, aggravated assault of multiple adults and a minor under the age of fifteen, kidnapping, endangerment, and first-degree murder. The trial court sentenced Hernandez to a combination of consecutive and concurrent, presumptive prison terms on all of the counts except first-degree murder, for

which he received a term of life imprisonment without the possibility of release for twenty-five years.<sup>1</sup> Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), and *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), stating he has thoroughly reviewed the record and has found no meritorious issues to raise on appeal. Counsel has asked us to search the record for fundamental error. Hernandez has not filed a supplemental brief.

¶2 Viewing the evidence in the light most favorable to sustaining the verdicts, we find there was sufficient evidence to support each of the jury’s findings of guilt. *See State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999). In addition, the sentences are well within the lawful statutory limits.

¶3 Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and have found none. Therefore, we affirm Hernandez’s convictions and sentences.

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PETER J. ECKERSTROM, Presiding Judge

CONCURRING:

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J. WILLIAM BRAMMER, JR., Judge

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GARYE L. VÁSQUEZ, Judge

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<sup>1</sup>We note two errors in the sentencing minute entry, neither of which affects the sentences imposed and neither of which is reflected in the oral imposition of sentence. On page twelve of the minute entry ruling, the court ordered “Counts Twenty[-]Five through Twenty-Nine . . . to run concurrently.” However, because the jury found Hernandez not guilty of count twenty-six, the inclusion of that count is incorrect. In addition, the ruling mistakenly refers twice to count sixteen.